

Amendment dated: February 25, 2005

Application Serial No.: 09/708,713

Attorney Docket No. 032028-0311061

In Response to the Office Action mailed November 5, 2004

### **REMARKS**

In response to the Office Action mailed November 5, 2004 (hereinafter "Office Action"), claims 22-41 have been cancelled without prejudice or disclaimer; claims 1, 7-9, 13, 16, 18, and 19 have been amended solely for clarification and consistency; and no claims have been newly added. Therefore, claims 1-21 are pending.

Pursuant to the requirements of 37 C.F.R. §1.173(b)(2), claims 1, 7-9, 13, 16, 18, and 19 have been identified with the parenthetical expression "(Twice Amended)," as these claims were each previously amended. As required, the second amendment includes the changes previously presented in the first amendment, as well as the new changes (which are addressed in detail below).

Although claims 2-6, 10-12, 14-15, 17, and 20-21 have not been amended by this Amendment, Applicants have included these claims with the changes previously presented in the first amendment with the parenthetical expression "(Previously Presented)."

### **Allowed Claims**

Applicants gratefully acknowledge the Examiner's indication that claims 1-21 are allowed. *See* Office Action, pg. 6, ¶'s 3-4.

### **Election/Restrictions**

In the Office Action, at pg. 2, ¶1, the Examiner alleges that newly submitted claims 22-41 are directed to an invention that is independent or distinct from the invention originally claimed. The Examiner further alleges, at pgs. 4-5, that claims 1-21 have been constructively

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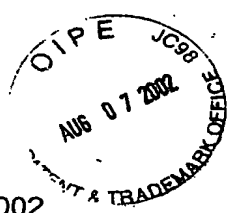
elected by original presentation for prosecution on the merits, and that claims 22-41 are withdrawn from consideration as being directed to a non-elected invention. Although Applicants disagree, claims 22-41 have been cancelled without prejudice or disclaimer solely to expedite prosecution.

**Information Disclosure Statement (I.D.S.)**

The Examiner recites that the I.D.S. filed August 7, 2002 fails to comply with 37 C.F.R. §1.98(a)(2) for allegedly failing to provide a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. *See* Office Action, pg. 5 ¶2.

Applicants disagree and submit that legible copies of all cited references were provided to the U.S. Patent Office on August 7, 2002. A copy of the stamped postcard acknowledging receipt of these references by the U.S. Patent Office is provided below.

<b>Attorney Docket No.:</b> 23439-016-401	
<b>Inventor(s):</b> Jay PETERSON et al.	
<b>Serial No.:</b> 09/708,713	<b>Filing Date:</b> November 9, 2000
<b>Title:</b> UNMANNED INTEGRATED OPTICAL REMOTE EMISSIONS SENSOR (RES) FOR MOTOR VEHICLES	
<b>Documents Filed:</b>	<ol style="list-style-type: none"><li>1. Supplemental Information Disclosure Statement</li><li>2. Form PTO-1449 (five pages)</li><li>3. Copy of Supplementary European Search Report</li><li>4. 115 references</li></ol>
<b>Sender's Initials:</b> CJC/slt	<b>Date:</b> August 7, 2002



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Regardless, in the interest of expediting prosecution, Applicants are re-submitting herewith those references from the I.D.S. filed August 7, 2002 that were not considered by the Examiner. Applicants request that the Examiner provide a signed copy of the Form PTO-1449 for this submission with the next Office Action.

### **Drawings**

In the Office Action, at pg. 5, the Examiner has requested that Applicants submit a clean copy of each drawing sheet of the printed patent. In compliance with the Examiner's request, Applicants are submitting herewith a set of formal drawings.

### **Description of Claim Amendments & Support for Claim Changes – 37 C.F.R. §1.173(c)**

By this Amendment, claims 1, 7-9, 13, 16, 18, and 19 have been amended to clarify the existing claim language, and to ensure that the claim language is consistent throughout. The amended claims are therefore supported *at least* by the originally filed claims.

In claims 1, 13, and 18, the word “sensed” has been amended to read “sampled.”

In claim 1, the word “recomputes” has been amended to read “computes.”

In claims 7, 13, and 18, the term “an oncoming vehicle” has been amended to read “a vehicle.”

In claims 7, 8, 16, and 19 the term “the composition” has been amended to read “the gas mixture composition.”

In claims 8, 16, and 19, the term “the recording” has been amended to read “a recording.”

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In claims 8, 16, and 19, the word “triggering” has been amended to read “the trigger signal.”

In claim 9, the term “the road” has been amended to read “a road.”

In claims 13 and 18, the term “a passing vehicle” has been amended to read “the vehicle.”

In claims 13 and 18, the term “a vehicle” has been amended to read “the vehicle.”

In claims 13 and 18, the term “the passing vehicle” has been amended to read “the vehicle.”

In claims 16 and 19, the word “compute’s” has been amended to read “computes.”

#### **Supplemental Reissue Oath/Declaration**

Pursuant to 37 C.F.R. §1.75(b)(1), Applicants are submitting herewith a Supplemental Reissue Declaration.

#### **Surrender of Original Patent**

37 C.F.R. §1.178 has been amended, effective September 21, 2004, to eliminate the requirement for physical surrender of the original letters patent (*i.e.*, the “ribbon copy” of the original patent) in a reissue application. The amended rule applies retroactively to all pending patent applications. As such, the Examiner’s request for the original patent (*see* Office Action, pg. 6, ¶6) is moot in view of the amended rule.

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**CONCLUSION**

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: February 25, 2005

Respectfully submitted,

By:

  
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